

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JORGE GAMBOA & ADRIANA
GAMBOA,

2:13-CV-2216 JCM (VCF)

Plaintiff(s),

V.

U.S. BANK, N.A., et al.,

Defendant(s).

ORDER

Presently before the court is a motion to dismiss filed by defendant U.S. Bank, N.A. (Doc. 4). Though the response deadline has passed, *pro se* plaintiffs Jorge and Adriana Gamboa have not led an opposition.

In its motion, defendant argues that the complaint in this matter is nothing more than a “formal complaint” which puts forward many factual assertions that are entirely baseless. Further, defendant argues that plaintiffs’ claims are barred under the doctrine of res judicata.

Failure to follow the local rules of a district court may constitute a proper ground for dismissal. *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). “Before dismissing the action, the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (internal citation

1 omitted).

2 Local Rule 7-2(d) provides that the failure of a party “to file points and authorities in
3 response to any motion shall constitute a consent to the granting of the motion.” In consideration of
4 the extremely generalized nature of plaintiffs’ complaint, plaintiffs’ failure to file an opposition, the
5 interest of expeditious resolution of litigation, the court’s need to manage its docket, the risk of
6 prejudice to defendant, the public policy favoring disposition of cases on their merits, and the
7 availability of less drastic sanctions, the court finds that dismissal without prejudice is appropriate.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant’s motion to
10 dismiss (doc. # 4) be, and the same hereby is, GRANTED.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiffs’ complaint shall
12 be dismissed without prejudice as to defendant U.S. Bank.

13 DATED April 30, 2014.

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16 UNITED STATES DISTRICT JUDGE
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